



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#11 1648  
Elec. 10/22/01  
**RECEIVED**

Applicants: Compans et al.

Examiner: B.Q. Li

OCT 22 2001

Serial No: 09/733,166

Art Unit: 1648

TECH CENTER 1600/2900

Filed: December 8, 2000

For: **INDUCTION OF IMMUNOGLOBULIN  
CLASS SWITCHING BY  
INACTIVATED VIRAL VACCINES**

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.	
15 October 2001 Date	B. Kroge B. Kroge

Commissioner for Patents  
Washington DC 20231

### RESPONSE TO REQUIREMENT FOR RESTRICTION

Sir:

In response to the Office Action mailed September 13, 2001, Applicants respectfully request reconsideration of the requirement for restriction.

#### The Requirement for Election/Restriction

The Patent Office has required restriction under 35 U.S.C. 121, alleging that the specification defines 2 different inventions as follows:

Group I: Claims 1-20 and 44-62, drawn to a method for inducing an immunogenic response with viral hemagglutinin, classified in Class 424, subclass 93.3

Group II: Claims 21-42, drawn to an immunogenic composition comprising a sialic acid binding component, classified in Class 424, subclass 184.1

The Examiner has alleged that the inventions are distinct each from the other, because they are related as product and process of use. The Examiner has alleged that a materially different product, e.g., a recombinant DNA vaccine, could be used in the method.

Applicants provisionally elect, with traverse, the Group II claims for examination in the instant application.

The Patent Office has further required that a target antigen must be elected from a bacterial target antigen, a tumor cell and a virus, and Applicants elect the target antigen as a virus.

The Patent Office has further required that a particular virus or class of virus must be elected for examination. Applicants respectfully elect for the purposes of initial examination the human immunodeficiency virus (HIV).

Applicants respectfully note that the present inventors have contributed to the art the recognition that the combination of a sialic binding component, such as the influenza virus hemagglutinin, and a target antigen leads to an improved immune response. The inventors have stated the usefulness with bacteria, tumor cells and viruses as target antigens. Applicants respectfully request that all viruses, as well as tumor cells and bacteria be examined in this case.

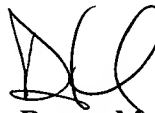
#### Conclusion

In view of the foregoing, it is submitted that this case is in condition for allowance, and passage to issuance is respectfully requested.

If there are any outstanding issues related to patentability, the courtesy of a telephone interview is requested, and the Examiner is invited to call to arrange a mutually convenient time.

It is believed that this response with amendment does not necessitate the payment of any fees under 37 C.F.R. 1.16-1.17 and that no petition of time is needed. If this is incorrect, however, please grant a petition for the necessary extension of time and charge any fee due under the foregoing Rules to Deposit Account No. 07-1969.

Respectfully submitted,



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